

Marion Superior Court 5

STATE OF INDIANA
COUNTY OF MARIONMARION COUNTY SUPERIOR COURT
SS:
CAUSE NO.DANIEL W. BELCHER, M.D., and
JENNIFER L. KAPPES, individually
and on behalf of their minor child, L.B.,

Plaintiffs,

v.

DAVID FARRELL, MARION COUNTY
SHERIFF'S DEPARTMENT, RONDA
SWARTZ, IMMACULATE HEART OF
MARY SCHOOL, OFFICE OF
CATHOLIC SCHOOLS, and THE
ARCHDIOCESE OF INDIANAPOLIS,

Defendants.

E-Filing Appearance by Attorney in Civil Case

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating Responding Intervening ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: Daniel W. Belcher, M.D., and Jennifer L. Kappes,
individually and on behalf of their minor child, L.B.

2. Attorney information for service as required by Trial Rule 5(B)(2)

James A. Piatt (#28320-49)
Ronald J. Waicukauski (#1089-53)
WILLIAMS & PIATT, LLC
1101 North Delaware Street
Indianapolis, IN 46202
Phone: 317.633.5270
FAX: 317.426.3348
james@williamspiatt.com
ron@williamspiatt.com

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. This is a CT case type as defined in administrative Rule 8(B)(3).
4. This case involves child support issues. Yes No X *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on light green paper. Use Form TCM-TR3.1-4.)*
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes No X *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)*
The party shall use the following address for purposes of legal service:

Attorney's address

The Attorney General Confidentiality program address
(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.in.gov**).

Another address (provide)

This case involves a petition for involuntary commitment. Yes No X

6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:

b. State of Residence of person subject to petition: _____

c. At least one of the following pieces of identifying information:

(i) Date of Birth _____

(ii) Driver's License Number _____

State where issued _____ Expiration date _____

(iii) State ID number _____

State where issued _____ Expiration date _____

(iv) FBI number _____

(v) Indiana Department of Corrections Number _____

(vi) Social Security Number is available and is being provided in an attached confidential document Yes No

7. There are related cases: Yes No X (*If yes, list on continuation page.*)

8. Additional information required by local rule:

9. There are other party members: Yes No X (*If yes, list on continuation page.*)

10. This form has been served on all other parties and Certificate of Service is attached:

Yes No X

/s/ James A. Piatt

James A. Piatt (#28320-49)

(Attorney information shown above.)

STATE OF INDIANA

COUNTY OF MARION

MARION COUNTY SUPERIOR COURT

SS:

CAUSE NO.

DANIEL W. BELCHER, M.D., and
JENNIFER L. KAPPES, individually
and on behalf of their minor child, L.B.,

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DAVID FARRELL, MARION COUNTY
SHERIFF'S DEPARTMENT, RONDA
SWARTZ, IMMACULATE HEART OF
MARY SCHOOL, OFFICE OF
CATHOLIC SCHOOLS, and THE
ARCHDIOCESE OF INDIANAPOLIS,

Defendants.

Plaintiffs' Complaint for Damages and Jury Trial Demand

Come now Plaintiffs, Daniel W. Belcher, M.D. and Jennifer Kappes, individually and on behalf of their minor child, L.B., and bring this Complaint for Damages and Jury Trial Demand against Defendants David Farrell, Marion County Sheriff's Department, Ronda Swartz, Immaculate Heart of Mary School, Office of Catholic Schools, and The Archdiocese of Indianapolis. In support, Plaintiffs allege the following:

Parties and Venue

1. Plaintiffs Daniel W. Belcher, M.D., and Jennifer L. Kappes are husband and wife and the parents of L.B. (collectively, "the Belchers"), and are residents of Marion County, Indiana.



2. Defendant David Farrell is a resident of Hamilton County, Indiana. He is a Marion County Sheriff's Department deputy, and at all times relevant to this complaint was acting in the course and scope of his employment as a School Resource Officer at Immaculate Heart of Mary School. Pursuant to 42 U.S.C § 1983, Farrell was acting under the color of state law by virtue of his position with the Marion County Sheriff's Department, and because a portion of his salary at Immaculate Heart of Mary School was paid via a grant from the State of Indiana, or a political subdivision of the State.

3. Defendant Marion County Sheriff's Department is located in Marion County, Indiana.

4. Defendant Ronda Swartz is a resident of Marion County, Indiana. Pursuant to 42 U.S.C. § 1983, Swartz was a state actor by virtue of the close nexus between the State of Indiana and her challenged conduct in this case; and because of her participation in a conspiracy to violate L.B.'s civil rights.

5. Defendant Immaculate Heart of Mary School ("IHM") is located in Marion County, Indiana. Pursuant to 42 U.S.C. § 1983, IHM was a state actor by virtue of the close nexus between its challenged conduct in this case and the State of Indiana; and because of its participation in a conspiracy to violate L.B.'s civil rights.

6. Defendant Office of Catholic Schools is located in Marion County, Indiana. Pursuant to 42 U.S.C. § 1983, the Office of Catholic Schools was a state actor by virtue of the close nexus between its challenged conduct in this case and the State of Indiana; and because of its participation in a conspiracy to violate L.B.'s civil rights.

7. Defendant The Archdiocese of Indianapolis is located in Marion County, Indiana. Pursuant to 42 U.S.C. § 1983, The Archdiocese of Indianapolis was a state actor by virtue of the close nexus between its challenged conduct in this case and the State of Indiana; and because of its participation in a conspiracy to violate L.B.'s civil rights.

8. Pursuant to Rule 75(A)(1) of the Indiana Rules of Trial Procedure, venue in Marion County is preferred.

Factual Background

9. L.B. was a sixth grader at IHM in late 2021.

10. Defendant Swartz was the principal of IHM in late 2021.

11. Defendant Farrell was the School Resource Officer ("SRO") at IHM in late 2021. Defendant Farrell is also a Marion County Deputy Sheriff.

12. On November 17, 2021, during school, an IHM employee observed a picture of a gun in L.B.'s notebook.¹

13. The drawing prompted Defendant Swartz to order IHM employees to search L.B.'s notebook, backpack, and Chrome book search history. The drawing also prompted Defendant Swartz to have L.B. evaluated by the school social worker, Kristen Burke.

14. Also on November 17, 2021, at the direction of Defendant Swartz, an IHM employee called Ms. Kappes (L.B.'s mother) and Dr. Belcher (L.B.'s father and

¹ The picture is attached to this Complaint as Exhibit A.

Ms. Kappes' husband) and asked them to come to the school for a meeting. Both Ms. Kappes and Dr. Belcher went directly to the school.

15. Defendant Swartz conducted a meeting at IHM with Ms. Kappes, Dr. Belcher, Defendant SRO Farrell, and Ms. Burke in which L.B.'s drawings were discussed. Ms. Burke stated that L.B. was sorry about the drawings and that L.B. was not a threat to anyone. At the conclusion of the meeting, Swartz promised the Belchers that L.B. would not be suspended and that "tomorrow is a new day."

16. The next day the Belchers were informed via email from Defendant Swartz that L.B. would be searched every day before school. IHM promised that the searches would be done with at least 2 adults present.

17. On December 10th, L.B. told Ms. Kappes that he was being searched **alone** by Defendant SRO Farrell. Ms. Kappes went to IHM with L.B. that morning and asked Defendant Swartz about the search procedures. Swartz said that it was fine that L.B. was being searched alone by SRO Farrell because there were cameras in the school.

18. The same day, Defendant Swartz sent an email to Ms. Kappes and Dr. Belcher accusing Ms. Kappes of unacceptable and irrational behavior. The email also banned L.B. from attending school – a decision that would only be revisited by IHM if L.B. was evaluated by an outside mental health counselor.

19. On December 13th, 2021, after an evaluation of L.B., an outside child psychiatrist provided a report to IHM that L.B. was safe to return to school and that

he was not a threat. On the same day, L.B.'s psychologist submitted an independent report also finding that L.B. was safe to return to school and that he was not a threat.

20. Defendant Swartz did not allow L.B. to return to school. Defendant SRO Farrell arrested him at his home the next day while Dr. Belcher was present.

21. Dr. Belcher called Ms. Kappes and told her about the arrest as it was happening.

22. Defendant SRO Farrell arrested L.B. without a warrant. A probable cause affidavit was not even filled out until the next day.

23. Defendant SRO Farrell followed L.B. to his room so that L.B. could change clothes. L.B. was then walked to the Butler University police station where he was handcuffed and placed in a patrol car. L.B. remained there for over an hour while SRO Farrell called for the "paddy wagon."

24. The "paddy wagon" eventually arrived, but the driver refused to transport a minor, so SRO Farrell took L.B. to the Marion County juvenile detention center where L.B. was processed, then released.

25. From the time L.B. was arrested through his release from the juvenile detention center, Ms. Kappes and Dr. Belcher could not find L.B. On information and belief, L.B. was questioned by Defendant SRO Farrell during this time.

26. L.B. was charged with 2 counts of Intimidation, a level 2 felony under Ind. Code § 35-45-2-1(a)(2) and 35-45-2-1(b)(1)(A) based on the affidavit containing

information sworn to by Defendant SRO Farrell.² L.B. would not have been charged but for the information provided by Farrell.

27. The affidavit contains false and misleading information that caused L.B. to be charged, including but not limited to the statement that L.B. “[drew] a picture of a rifle intended for his teacher Mrs. Ashley Mason.”

28. The charges against L.B. were dismissed on March 21, 2022.

29. Defendants Swartz and SRO Farrell acted in concert to have L.B. arrested and charged with crimes that they both know he did not commit.

30. On December 16, 2021, Defendant Swartz sent an email to all parents of students at IHM that intimated that L.B. threatened to shoot a teacher. In her email, Defendant Swartz says that the school safety procedures were followed, and that the actions described above were guided by the Office of Catholic Schools and The Archdiocese of Indianapolis.³

31. Defendants Swartz and SRO Farrell are no longer employed at IHM.

32. At all times relevant to this complaint, however, Defendants Swartz and SRO Farrell were acting within the scope of their employment at IHM and under the guidance of the Office of Catholic Schools and The Archdiocese of Indianapolis.

Count I
(Malicious Prosecution of L.B. by all Defendants)

33. Plaintiffs incorporate by reference all prior factual allegations as fully as if set forth herein.

² The Affidavit for Probable Cause is attached to this Complaint as Exhibit B.

³ The email is attached to this Complaint as Exhibit C.

34. Defendants caused to be started a criminal prosecution against Plaintiff L.B.

35. Defendants acted maliciously in doing so.

36. The criminal prosecution ended in Plaintiff L.B.'s favor.

37. As a direct and proximate result of Defendants' conduct, Plaintiff L.B. was damaged.

Wherefore, Plaintiff L.B. respectfully requests the Court to enter judgment in his favor and against Defendants on Count I, grant Plaintiff L.B. compensatory damages in an amount to be determined by a jury, grant Plaintiff L.B. punitive damages in an amount to be determined by a jury, grant Plaintiff L.B. pre- and post-judgment interest, and for all other relief just and proper under the circumstances.

Count II

(False Arrest of L.B. by Defendants SRO Farrell and Marion County Sheriff's Department)

38. Defendant SRO Farrell was a law enforcement officer.

39. Defendant SRO Farrell restrained L.B.'s freedom of movement or liberty without L.B.'s consent.

40. Defendant SRO Farrell did not act pursuant to a warrant, judicial order, or statutory authority.

41. Defendant SRO Farrell was acting as directed by Defendant Swartz, Defendant Immaculate Heart of Mary School, Defendant Office of Catholic Schools, and Defendant The Archdiocese of Indianapolis; but the power to arrest L.B. came from the authority granted to Farrell by the Marion County Sheriff's Department.

42. As a direct and proximate result of Defendant SRO Farrell's actions, L.B. was damaged.

Wherefore, Plaintiff L.B. respectfully requests the Court to enter judgment in his favor and against Defendants SRO Farrell and the Marion County Sheriff's Department on Count II, grant Plaintiff L.B. presumed damages in an amount to be determined by a jury, grant Plaintiff L.B. compensatory damages in an amount to be determined by a jury, grant Plaintiff L.B. punitive damages in an amount to be determined by a jury, grant Plaintiff L.B. pre- and post-judgment interest, and for all other relief just and proper under the circumstances.

Count III

(Battery of L.B. by Defendants SRO Farrell and the Marion County Sheriff's Department)

43. Defendant SRO Farrell recklessly, knowingly, or intentionally touched L.B. in a rude, insolent, or angry manner.

44. L.B. did not authorize the touching.

45. Defendant SRO Farrell was acting as directed by Defendant Swartz, Defendant Immaculate Heart of Mary School, Defendant Office of Catholic Schools, and Defendant The Archdiocese of Indianapolis; but the power to arrest L.B. came from the authority granted to Farrell by the Marion County Sheriff's Department.

Wherefore, Plaintiff L.B. respectfully requests the Court to enter judgment in his favor and against Defendants SRO Farrell and the Marion County Sheriff's Department on Count III, grant Plaintiff L.B. presumed damages in an amount to be determined by a jury, grant Plaintiff L.B. compensatory damages in an amount to be

determined by a jury, grant Plaintiff L.B. punitive damages in an amount to be determined by a jury, grant Plaintiff L.B. pre- and post-judgment interest, and for all other relief just and proper under the circumstances.

Count IV
**(Intentional Infliction of Emotional Distress
against all Defendants by all Plaintiffs)**

46. Plaintiffs incorporate by reference all prior factual allegations as fully as if set forth herein.

47. By their extreme and outrageous conduct, Defendants intentionally or recklessly caused severe emotional distress to Plaintiffs.

48. Defendant SRO Farrell entered the Belcher's home without a warrant or probable cause and took L.B. to a location unknown to L.B.'s parents. Farrell then held L.B. against L.B.'s will, even though no crime had been committed. And Farrell then swore out an untruthful affidavit in order to have L.B. charged with felonies that L.B. did not commit. Farrell's actions were intolerable in a civilized society, and he took those actions because he was instructed to do so by Defendants Swartz, Immaculate Heart of Mary School, Office of Catholic Schools, and The Archdiocese of Indianapolis.

Wherefore, Plaintiffs respectfully request the Court to enter judgment in their favor and against Defendants on Count IV, grant Plaintiffs compensatory damages in an amount to be determined by a jury, grant Plaintiffs punitive damages in an amount to be determined by a jury, grant Plaintiffs pre- and post-judgment interest, and for all other relief just and proper under the circumstances.

Count V
**(Negligent Infliction of Emotional Distress
against all Defendants by L.B.)**

49. Plaintiffs incorporate by reference all prior factual allegations as fully as if set forth herein.

50. Defendants were negligent.

51. Plaintiff L.B. was directly involved in an incident related to Defendants' negligence even if Plaintiff was not physically injured.

52. Plaintiff L.B. suffered serious emotional distress of the type that a reasonable person would expect to occur.

53. Defendants' negligence was a responsible cause of Plaintiff L.B.'s emotional distress.

Wherefore, Plaintiff L.B. respectfully requests the Court to enter judgment in his favor and against Defendants on Count V, grant Plaintiff compensatory damages in an amount to be determined by a jury, grant Plaintiff punitive damages in an amount to be determined by a jury, grant Plaintiff pre- and post-judgment interest, and for all other relief just and proper under the circumstances.

Count VI
**(Invasion of Privacy by Intrusion against Defendants SRO Farrell and
the Marion County Sheriff's Department by all Plaintiffs)**

54. Plaintiffs incorporate by reference all prior factual allegations as fully as if set forth herein.

55. Defendant SRO Farrell intruded upon the Plaintiffs' physical space, their home.

56. Defendant SRO Farrell was acting as directed by Defendant Swartz, Defendant Immaculate Heart of Mary School, Defendant Office of Catholic Schools, and Defendant The Archdiocese of Indianapolis; but the power to arrest L.B. came from the authority granted Farrell by the Marion County Sheriff's Department.

57. Plaintiffs did not consent to the intrusion.

58. This intrusion would be offensive or objectionable to a reasonable person.

Wherefore, Plaintiffs respectfully request the Court to enter judgment in their favor and against Defendants SRO Farrell and the Marion County Sheriff's Department on Count VI, grant Plaintiffs presumed damages in an amount to be determined by a jury, grant Plaintiffs compensatory damages in an amount to be determined by a jury, grant Plaintiffs punitive damages in an amount to be determined by a jury, grant Plaintiffs pre- and post-judgment interest, and for all other relief just and proper under the circumstances.

Count VII

(Violation of 42 U.S.C. § 1983 against Defendants SRO Farrell, Swartz, and IHM by L.B.)

59. Plaintiffs incorporate by reference all prior factual allegations as fully as if set forth herein.

60. Defendants SRO Farrell, Swartz, and IHM conspired to violate L.B.'s 4th and 14th Amendment rights by pursuing the arrest and detention of L.B. even though Defendants knew no probable cause existed.

61. Defendant SRO Farrell acted under the color of state law because his power to arrest and detain L.B. arose from his position as a Marion County Sheriff's Deputy. In addition, the State of Indiana (via grants) paid Farrell's salary for acting as the School Resource Officer at IHM.

62. Defendant Swartz acted as a co-conspirator with Defendant SRO Farrell. She willfully participated in the decision to arrest and detain L.B. without probable cause. Swartz directed and supervised the conduct of Farrell, and she was the official – the principal – at IHM with final policy-making authority.

63. Defendant IHM acted as a co-conspirator with Defendant SRO Farrell. IHM willfully participated in the decision to arrest and detain L.B. without probable cause. IHM was SRO Farrell's employer, and the arrest was made during school hours. IHM employees performed the inspections, questioning, and review of all information that resulted in the unlawful arrest and detention of L.B.

64. Defendants SRO Farrell, Swartz, and IHM, all knew that there was no probable cause for the arrest of L.B. The drawings that formed the basis for the false information in the probable cause affidavit were done a month before the decision to arrest L.B. was made. There were no facts supporting the elements of intimidation under Indiana law.

65. Defendants SRO Farrell, Swartz, and IHM first told L.B. and his parents that there would be no punishment for the drawings, then allowed L.B. to come to school so long as his backpack was searched, then denied L.B. access to in-

person learning at the school, then arrested and detained L.B. without probable cause in violation of his 4th and 14th Amendment rights.

66. For each violation of 42 U.S.C. § 1983, Plaintiff L.B. seeks to recover the following:

- a. Compensatory damages in an amount to be determined by a jury;
- b. Punitive damages in an amount to be determined by a jury;
- c. Reasonable attorney and expert fees pursuant to 42 U.S.C. § 1988; and
- d. Any further relief that may be appropriate.

Wherefore, Plaintiff L.B. respectfully requests the Court to enter judgment in his favor and against Defendants SRO Farrell, Swartz, and IHM on Count VII, grant Plaintiff L.B. damages in an amount of money which will fairly and adequately compensate him for all loses, injuries and damages, for the costs of this action, reasonable attorney's fees, and for all other relief just and proper under the circumstances.

Respectfully submitted,

WILLIAMS & PIATT, LLC

/s/ James A. Piatt

James A. Piatt (#28320-49)
Ronald J. Waicukauski (#1089-53)
1101 North Delaware Street
Indianapolis, IN 46202
(317) 633-5270
Fax: (317) 426-3348
james@williamspiatt.com
ron@williamspiatt.com

Counsel for Plaintiffs

Jury Demand

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiffs, by counsel, respectfully requests a trial by jury on all issues deemed so triable.

/s/ James A. Piatt
James A. Piatt

Counsel for Plaintiffs

26
49D05-2208-CT-027501

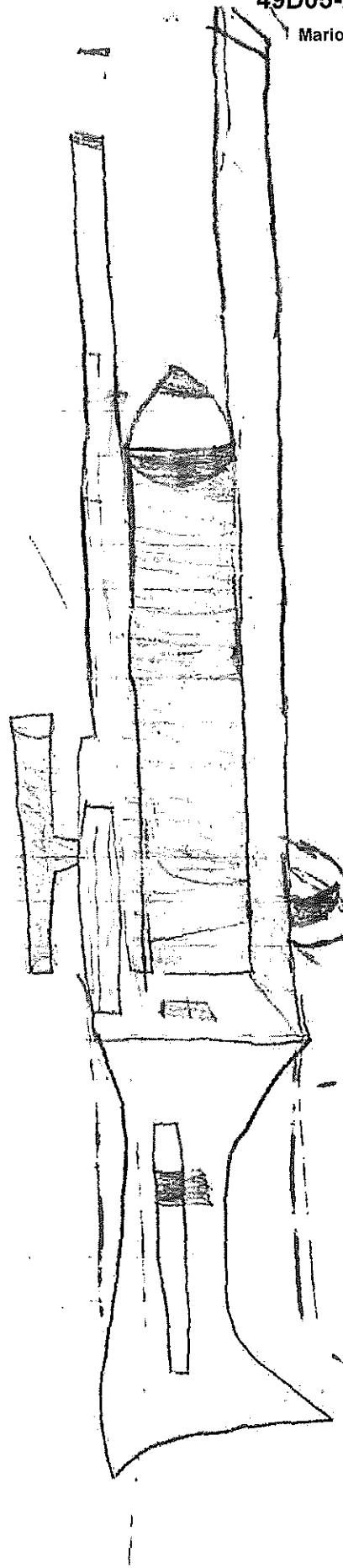
Marion Superior Court 5

Filed: 8/12/2022 4:10 PM

Clerk

Marion County, Indiana

Addendum 4



Free time in EIA

EXHIBIT

A

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FILED
December 15, 2021
CLERK OF THE COURT
MARION COUNTY
RC

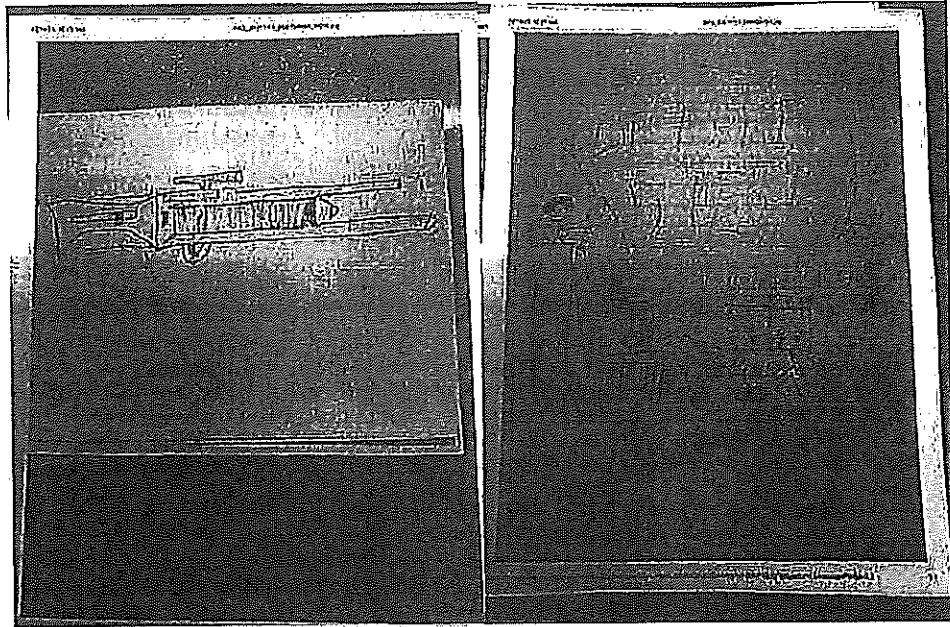
AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

swears (affirms) that:

David Farrell, (Marion County Special Deputy/SRO) swear(affirm) under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

SRO David Farrell working as a school resource officer for Immaculate Heart of Mary school located at 317 E. 57th St. in Indianapolis was informed by school administrators that on November 16, 2021 student I [REDACTED] B [REDACTED], [REDACTED] DOB: [REDACTED], had drawn a picture of a rifle intended for his teacher [REDACTED] [REDACTED]. Instructional Assistant [REDACTED] observed L [REDACTED] drawing in his notebook at which time she saw the picture of a rifle.

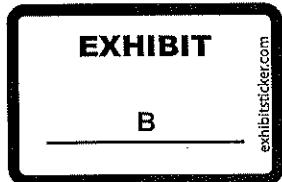


I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Anthony D. Johnson

AFFIANT

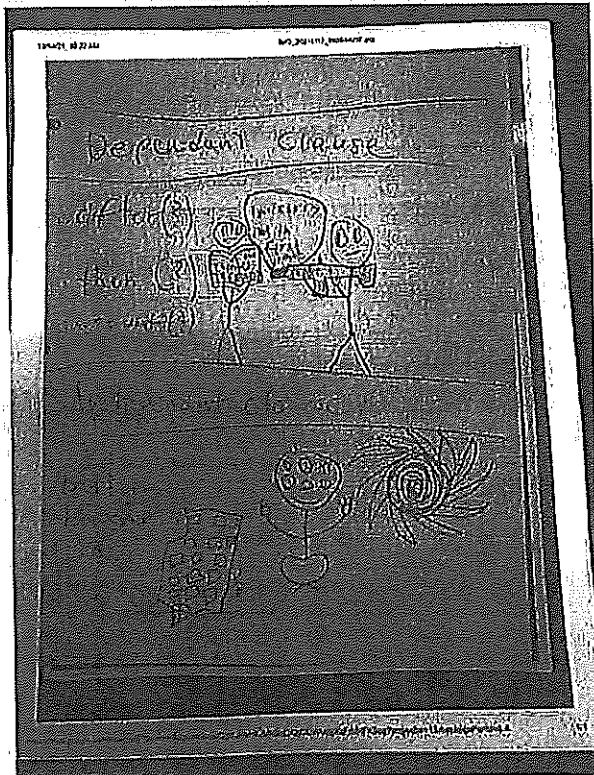
DATED: December 15, 2021



Affidavit for Probable Cause

From: Detective Anthony D. Johnson

School Administrators, Principal Ronda Swartz, Assistant Principal [REDACTED] Assistant Principal [REDACTED] and Special Deputy David Farrell, the school resource officer, were immediately notified and responded to the classroom L [REDACTED] was in. When asked by school administration who was depicted in the picture, L [REDACTED] advised that it was [REDACTED]. When asked why he drew the picture, L [REDACTED] stated that he was angry at [REDACTED] because he did not like an essay assignment she gave to the class. School Administrators along with SRO Farrell executed a physical search of L [REDACTED] desk, locker and backpack. Upon further investigation, there were several other disturbing pictures located in L [REDACTED] notebook. There was a picture of a 1st Grade Student being shot, but not identified by name.



I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Anthony D. Johnson

AFFIANT

DATED: December 15, 2021

Affidavit for Probable Cause

From: Detective Anthony D. Johnson

Upon check of L [REDACTED] school Chromebook search history recent searches related to guns was also located.

The parents, Dan Belcher and Jennifer Kappes, were contacted and met with the School Principal and School Social Worker, [REDACTED]. A Safety Plan was drafted by Immaculate Heart of Mary School wellness team which included L [REDACTED] submitting to being searched everyday by School Administrators and or SRO Farrell. L [REDACTED] parents stated they did not agree with the Safety Plan and had concerns and would not sign the Safety Plan Agreement. When asked if L [REDACTED] had access to any weapons, the parents stated that they have guns at their farmhouse and they shoot skeet, but there were no firearms in their primary residence. When asked they also stated that L [REDACTED] occassionally has access to a pocket knife. Child Protection Services was notified by the school for follow up with the Belcher family.

L [REDACTED] B [REDACTED] was arrested for Intimidation at his residence by SRO Farrell on December 14, 2021 and transported to the Marion County Juvenile Justice Complex.

All events occurred in Indianapolis/Marion County, Indiana.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Anthony D. Johnson

AFFIANT

DATED: December 15, 2021

----- Forwarded message -----

From: Immaculate Heart of Mary School <eliseobrien@ihmindy.org>
49D05-2208-CT-027501
Date: Thu, Dec 16, 2021 at 4:51 PM
Marion Superior Court 5
Subject: A Note from Mrs. Swartz: Important
To: <jenniferkappes@gmail.com>

Filed: 8/12/2022 4:10 PM
Clerk
Marion County, Indiana



IHM Update



A Note from Mrs. Swartz

Dear Immaculate Heart of Mary School Families,

First of all, thank you for your continued support and involvement to keep Immaculate Heart of Mary School a wonderful place for children to grow and learn. School safety is our highest priority, so much so that Immaculate Heart of Mary School felt passionate about hiring a School Resource Officer and establishing a Safety Team and Wellness Team two years ago, whose purpose is ensuring the emotional wellness and physical safety of all students and staff members.

EXHIBIT

C

exhibitsticker.com

The school administration was made aware of a concerning potential threat made by an IHM student. We implemented and followed our school safety procedures, which began with our school wellness team making an assessment of the threat. We worked with all individuals involved. We continued to reassess new information as it became available. As a part of our school safety protocol, we notified local authorities regarding this matter. They then conducted their own investigation and determined further action was necessary.

Please remember the student and parents have rights to confidentiality. We are unable to provide any additional information or details regarding this situation.

Throughout this process, we have consulted with and been guided by the Office of Catholic Schools and The Archdiocese of Indianapolis. Please know the best interest of all IHM students and faculty are always at the forefront of our decision making.

God Bless you and your families,

Fr. Bob Sims
Ronda Swartz



Immaculate Heart of Mary School | 5692 Central Ave. , Indianapolis, IN 46220

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WILLIAMS
& PLATT, LLC

The Hammond Block Building
301 Massachusetts Ave. Suite 300
Indianapolis, IN 46204

Marion County Sheriff's Department
c/o Sheriff Kerry J. Forestal
675 Justice Way
Indianapolis, IN 46203-1574

33
Marion Superior Court 5
SUMMONS

Daniel W. Belcher, M.D., et al.,
Plaintiff

In the Marion Superior Court

-vs-

Cause No.

David Farrell, et al.,
Defendants

TO DEFENDANT: Deputy David Farrell
c/o Marion County Sheriff's Department
675 Justice Way
Indianapolis, IN 46203

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

8/12/2022

Dated: _____

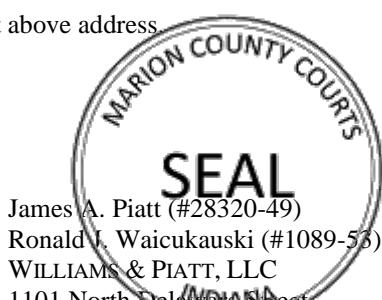


(Seal)

Clerk, Marion Superior Court

(The following manner of service of summons is hereby designated.)

Registered or certified mail.
 Service at place of employment, to-wit:
 Service on individual - (Personal or copy) at above address.
 Service on agent (Specify)
 Other service. (Specify)



SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the ____ day of _____, 2022:

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____
(2) By leaving a copy of the Summons and a copy of the complaint at _____
which is the dwelling place or usual place of abode of _____
and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the ____ day of _____, 2022, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 2022.

By: _____
Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by the defendant on the ____ day of _____, 2022.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint were returned not accepted on the ____ day of _____, 2022.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by _____, on behalf of said defendant on the ____ day of _____, 2022.

Clerk, Marion Superior Court

By: _____
Deputy

35
Marion Superior Court 5
SUMMONS

Daniel W. Belcher, M.D., et al.,
Plaintiff

In the Marion Superior Court

-vs-

Cause No.

David Farrell, et al.,
Defendants

TO DEFENDANT: Marion County Sheriff's Department
c/o Sheriff Kerry J. Forestal
675 Justice Way
Indianapolis, IN 46203

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

8/12/2022

Dated: _____



(Seal)

Clerk, Marion Superior Court

(The following manner of service of summons is hereby designated.)

Registered or certified mail.
 Service at place of employment, to-wit:
 Service on individual - (Personal or copy) at above address.
 Service on agent (Specify)
 Other service. (Specify)



James A. Piatt (#28320-49)
Ronald J. Waicukauski (#1089-53)
WILLIAMS & PIATT, LLC
1101 North Delaware Street
Indianapolis, Indiana 46202
Telephone: (317) 633-5270
Fax: (317) 426-3348
Counsel for Plaintiffs

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 2022:

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____
(2) By leaving a copy of the Summons and a copy of the complaint at _____
which is the dwelling place or usual place of abode of _____
and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2022, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 2022.

By: _____
Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by the defendant on the _____ day of _____, 2022.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint were returned not accepted on the _____ day of _____, 2022.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by _____, on behalf of said defendant on the _____ day of _____, 2022.

Clerk, Marion Superior Court

By: _____
Deputy

37
Marion Superior Court 5
SUMMONS

Daniel W. Belcher, M.D., et al.,
Plaintiff

In the Marion Superior Court

-vs-

Cause No.

David Farrell, et al.,
Defendants

TO DEFENDANT: Ronda Swartz
c/o John S. Mercer, General Counsel
1400 North Meridian Street
Indianapolis, IN 46202-2367

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

8/12/2022

Dated: _____

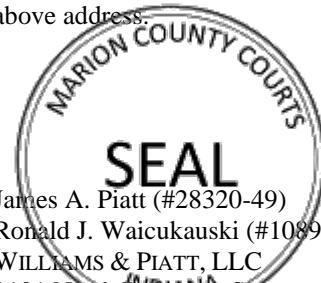


(Seal)

Clerk, Marion Superior Court

(The following manner of service of summons is hereby designated.)

Registered or certified mail.
 Service at place of employment, to-wit:
 Service on individual - (Personal or copy) at above address.
 Service on agent (Specify)
 Other service. (Specify)



SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 2022:

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____
(2) By leaving a copy of the Summons and a copy of the complaint at _____
which is the dwelling place or usual place of abode of _____
and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2022, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 2022.

By: _____
Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by the defendant on the _____ day of _____, 2022.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint were returned not accepted on the _____ day of _____, 2022.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by _____, on behalf of said defendant on the _____ day of _____, 2022.

Clerk, Marion Superior Court

By: _____
Deputy

39
Marion Superior Court 5
SUMMONS

Daniel W. Belcher, M.D., et al.,
Plaintiff

In the Marion Superior Court

-vs-

Cause No.

David Farrell, et al.,
Defendants

TO DEFENDANT: Immaculate Heart of Mary School
c/o John S. Mercer, General Counsel
1400 North Meridian Street
Indianapolis, IN 46202-2367

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

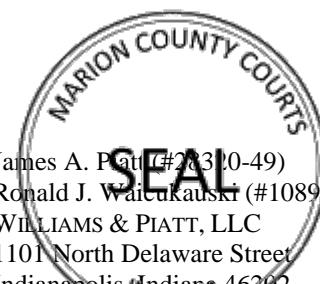
If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

8/12/2022
Dated: _____

Myla A. Eldridge _____ (Seal)
Clerk, Marion Superior Court

(The following manner of service of summons is hereby designated.)

Registered or certified mail.
 Service at place of employment, to-wit:
 Service on individual - (Personal or copy) at above address.
 Service on agent (Specify)
 Other service. (Specify)



James A. Piatt (#24310-49)
Ronald J. Waicukauski (#1089-53)
WILLIAMS & PIATT, LLC
1101 North Delaware Street
Indianapolis, Indiana 46202
Telephone: (317) 633-5270
Fax: (317) 426-3348
Counsel for Plaintiffs

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 2022:

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____
(2) By leaving a copy of the Summons and a copy of the complaint at _____
which is the dwelling place or usual place of abode of _____
and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2022, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 2022.

By: _____
Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

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I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by _____, on behalf of said defendant on the _____ day of _____, 2022.

Clerk, Marion Superior Court

By: _____
Deputy

41
Marion Superior Court 5
SUMMONS

Daniel W. Belcher, M.D., et al.,
Plaintiff

In the Marion Superior Court

-vs-

Cause No.

David Farrell, et al.,
Defendants

TO DEFENDANT: Office of Catholic Schools
c/o John S. Mercer, General Counsel
1400 North Meridian Street
Indianapolis, IN 46202-2367

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

8/12/2022

Dated: _____

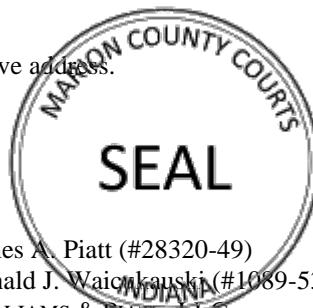


(Seal)

Clerk, Marion Superior Court

(The following manner of service of summons is hereby designated.)

Registered or certified mail.
 Service at place of employment, to-wit:
 Service on individual - (Personal or copy) at above address.
 Service on agent (Specify)
 Other service. (Specify)



James A. Piatt (#28320-49)
Ronald J. Waionkauskis (#1089-53)
WILLIAMS & PIATT, LLC
1101 North Delaware Street
Indianapolis, Indiana 46202
Telephone: (317) 633-5270
Fax: (317) 426-3348
Counsel for Plaintiffs

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 2022:

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____
(2) By leaving a copy of the Summons and a copy of the complaint at _____
which is the dwelling place or usual place of abode of _____
and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2022, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 2022.

By: _____
Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

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I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by _____, on behalf of said defendant on the _____ day of _____, 2022.

Clerk, Marion Superior Court

By: _____
Deputy

43
Marion Superior Court 5
SUMMONS

Daniel W. Belcher, M.D., et al.,
Plaintiff

In the Marion Superior Court

-vs-

Cause No.

David Farrell, et al.,
Defendants

TO DEFENDANT: The Archdiocese of Indianapolis
c/o John S. Mercer, General Counsel
1400 North Meridian Street
Indianapolis, IN 46202-2367

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

8/12/2022



Dated: _____

(Seal)

Clerk, Marion Superior Court

(The following manner of service of summons is hereby designated.)

Registered or certified mail.
 Service at place of employment, to-wit:
 Service on individual - (Personal or copy) at above address.
 Service on agent (Specify)
 Other service. (Specify)



James A. Piatt (#28320-49)
Ronald J. Waicukauski (#1089-53)
WILLIAMS & PIATT, LLC
1101 North Delaware Street
Indianapolis, Indiana 46202
Telephone: (317) 633-5270
Fax: (317) 426-3348
Counsel for Plaintiffs

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the ____ day of _____, 2022:

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____
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which is the dwelling place or usual place of abode of _____
and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the ____ day of _____, 2022, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

Dated: _____, 2022.

By: _____
Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by the defendant on the ____ day of _____, 2022.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint were returned not accepted on the ____ day of _____, 2022.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____, was accepted by _____, on behalf of said defendant on the ____ day of _____, 2022.

Clerk, Marion Superior Court

By: _____
Deputy

APPEARANCE BY ATTORNEY IN A CIVIL CASE

Party Classification: Responding

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party members: The Archdiocese of Indianapolis, Office of Catholic Schools, Immaculate Heart of Mary School, and Ronda Swartz
2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rule 3.1 and 77(B) is as follows:

John S. (Jay) Mercer		Atty. No. 11260-49		jmercer@wootonhoylaw.com
Paul J. Carroll		Atty. No. 26296-49		paul@wootonhoylaw.com
Lewis S. Wooton		Atty. No. 26650-49		lewis@wootonhoylaw.com
John D. Cross		Atty. No. 29878-49		john@wootonhoylaw.com

WOOTON HOY, LLC
13 N. State St., Ste. 241
Greenfield, IN 46140

3. There are other party members: No
4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): N/A
5. I will accept service by fax at the above noted number: No

6. This case involves support issues: No
7. There are related cases: No
8. This form has been served on all other parties. Certificate of Service is attached: Yes
9. Additional information required by local rule None

Respectfully submitted,

WOOTON HOY, LLC

/s/ John S. (Jay) Mercer

/s/ Paul J. Carroll

/s/ Lewis S. Wooton

/s/ John D. Cross

Paul J. Carroll

John D. Cross

WOOTON HOY, LLC

13 N. State St., Ste. 241

Greenfield, IN 46140

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon the following by this Court's electronic filing system on August 17, 2022:

James A. Piatt
Ronald J. Waicukaski
WILLIAMS & PIATT, LLC
james@williamspiatt.com
ron@williamspiatt.com

/s/ Paul J. Carroll

Paul J. Carroll

STATE OF INDIANA) IN THE MARION SUPERIOR COURT NO. 5
) SS:
COUNTY OF MARION) CAUSE NO.: 49D05-2208-CT-027501

DANIEL W. BELCHER, M.D., and)
JENNIFER L. KAPPES, individually)
and on behalf of their minor child, L.B.,)
)
Plaintiffs,)
)
v.)
)
DAVID FARRELL, MARION COUNTY)
SHERIFF'S DEPARTMENT, RONDA SWARTZ,)
IMMACULATE HEART OF MARY SCHOOL,)
OFFICE OF CATHOLIC SCHOOLS, and)
THE ARCHDIOCESE OF INDIANAPOLIS,)
)
Defendants.)

**DEFENDANTS' MOTION FOR AUTOMATIC ENLARGEMENT OF TIME TO
RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants, The Archdiocese of Indianapolis, Office of Catholic Schools, Immaculate Heart of Mary School, and Ronda Swartz (collectively "Defendants"), by counsel, respectfully notify the Court of their automatic enlargement of time of thirty (30) days to file a responsive pleading to Plaintiffs' Complaint, and in support respectfully states the following:

1. Plaintiffs filed their Complaint on August 12, 2022.
2. Defendants seek their automatic thirty (30) day extension to respond to the Complaint as counsel have just been retained in this matter and require additional time to review and properly respond to the Complaint.
3. Defendants were served on or August 16, 2022, so seek a thirty (30) day extension from their twenty-three (23) response period of September 8, 2022. The new deadline would be October 10, 2022, as the 8th falls on a Saturday.

4. This Motion is filed in good faith and without intent to unnecessarily delay the proceedings and is otherwise filed within the time limit prescribed for a substantive, responsive pleading.

WHEREFORE, Defendants, The Archdiocese of Indianapolis, Office of Catholic Schools, Immaculate Heart of Mary School, and Ronda Swartz, respectfully request the Court approve their automatic thirty (30) day enlargement of time to respond to Plaintiffs' Complaint up to October 10, 2022, and for all other proper and just relief.

Respectfully submitted,

WOOTON HOY, LLC

/s/ Paul J. Carroll
Paul J. Carroll
WOOTON HOY, LLC
13 N. State St., Ste. 241
Greenfield, IN 46140
T: 317.318.1685
E: paul@wootonhoylaw.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon the following by this Court's electronic filing system on September 8, 2022:

James A. Piatt
Ronald J. Waicukaski
WILLIAMS & PIATT, LLC
james@williamspiatt.com
ron@williamspiatt.com

/s/ Paul J. Carroll
Paul J. Carroll

STATE OF INDIANA) IN THE MARION SUPERIOR COURT NO. 5
) SS:
COUNTY OF MARION) CAUSE NO.: 49D05-2208-CT-027501

DANIEL W. BELCHER, M.D., and)
JENNIFER L. KAPPES, individually)
and on behalf of their minor child, L.B.,)
)
Plaintiffs,)
)
v.)
)
DAVID FARRELL, MARION COUNTY)
SHERIFF'S DEPARTMENT, RONDA SWARTZ,)
IMMACULATE HEART OF MARY SCHOOL,)
OFFICE OF CATHOLIC SCHOOLS, and)
THE ARCHDIOCESE OF INDIANAPOLIS,)
)
Defendants.)

FILED
September 9, 2022
CLERK OF THE COURT
MARION COUNTY
SC

ORDER

Defendants, The Archdiocese of Indianapolis, Office of Catholic Schools, Immaculate Heart of Mary School, and Ronda Swartz, having filed their Motion for Automatic Enlargement of Time to Respond to Plaintiffs' Complaint, and the Court having examined said Motion and being duly advised in the premises now finds that Defendants' prayer for relief should be granted.

IT IS ORDERED that The Archdiocese of Indianapolis, Office of Catholic Schools, Immaculate Heart of Mary School, and Ronda Swartz's deadline to respond to Plaintiffs' Complaint is extended thirty (30) days up to October 10, 2022.

SO ORDERED.

Date: September 8, 2022



Judge, Marion County Superior Court 5

Distribution:

All Counsel of Record.